

AMENDED IN SENATE MAY 20, 2004
AMENDED IN SENATE APRIL 26, 2004
AMENDED IN SENATE APRIL 15, 2004
AMENDED IN SENATE MARCH 3, 2004

SENATE BILL

No. 1140

Introduced by Senator Scott

January 21, 2004

An act to amend Sections 12035, 12036, 12071, and 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Scott. Firearms: minors.

Existing law defines "loaded firearm." Existing law provides that a person commits the crime of "criminal storage of a firearm" if, among other things, he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or injury, as specified.

~~This bill would expand the definition of 2nd degree criminal storage of a firearm by specifying that a firearm is loaded if the ammunition for that firearm is stored in proximity to the firearm so that gaining access to the firearm also provides immediate access to the ammunition for that firearm. This bill would remove from the crime of "criminal storage of a firearm" the requirement that the child gain access to the firearm without the permission of the child's parent or legal guardian. Because~~

this bill would expand the definition of an existing crime, it would impose a state-mandated local program.

Existing law makes it a crime for a person to keep a handgun, as specified, where a child obtains the handgun, without permission and carries the handgun off-premises or off-premises to a school.

This bill would delete the requirement that the child obtain the handgun without permission, and would create a new crime of obtaining the handgun under those circumstances without carrying the handgun off-premises.

By changing the definition of existing crimes, and creating a new crime, this bill would impose a state-mandated local program.

Existing law generally regulates firearms dealers and requires dealers to post certain warning signs at their places of business, including a sign warning firearms owners they may be guilty of a misdemeanor or a felony if a child obtains and uses a loaded firearm, as specified.

This bill would make a technical change in that warning, to conform to other changes made by the bill regarding 2nd degree criminal storage of a firearm, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12035 of the Penal Code is amended to
- 2 read:
- 3 12035. (a) As used in this section, the following definitions
- 4 apply:
- 5 (1) "Locking device" means a device that is designed to
- 6 prevent the firearm from functioning and when applied to the
- 7 firearm, renders the firearm inoperable.
- 8 (2) "Loaded firearm" has the same meaning as set forth in
- 9 subdivision (g) of Section 12031.
- 10 (3) "Child" means a person under 18 years of age.



(4) “Great bodily injury” has the same meaning as set forth in Section 12022.7.

(5) “Locked container” has the same meaning as set forth in subdivision (d) of Section 12026.2.

(6) *“Proximity to ammunition” means that a firearm that is stored in such a manner that gaining access to the firearm also provides immediate access to ammunition for that firearm.*

(b) (1) Except as provided in subdivision (c), a person commits the crime of “criminal storage of a firearm of the first degree” if he or she ~~does either of the following:~~

~~(A) Keeps any loaded~~ *keeps any* firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

~~(B) Keeps any firearm within any premises that are under his or her control stored in such proximity to ammunition for that firearm that gaining access to the firearm also provides immediate access to the ammunition, and he or she knows or reasonably should know that a child is likely to gain access to the firearm and ammunition and the child obtains access to the firearm and ammunition and thereby causes death or great bodily injury to himself, herself, or any other person.~~

(2) Except as provided in subdivision (c), a person commits the crime of “criminal storage of a firearm of the second degree” if he or she ~~does either of the following:~~

~~(A) Keeps any loaded~~ *keeps any* firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

~~(B) Keeps any firearm within any premises that are under his or her control stored in such proximity to ammunition for that firearm that gaining access to the firearm also provides immediate access to the ammunition, and he or she knows or reasonably should know that a child is likely to gain access to the firearm and ammunition and the child obtains access to the firearm and~~

~~ammunition and thereby causes injury, other than great bodily injury to himself, herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.~~

(c) Subdivision (b) shall not apply whenever any of the following occurs:

(1) The child obtains the firearm as a result of an illegal entry to any premises by any person.

(2) The firearm is *either* kept in a locked container or *stored unloaded and not in proximity to ammunition for that firearm* in a location that a reasonable person would believe to be secure.

(3) The firearm is carried on the person or within such a close proximity thereto that the individual can readily retrieve and use the firearm as if carried on the person.

(4) The firearm is locked with a locking device that has rendered the firearm inoperable.

(5) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.

(6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.

(7) The person who keeps a loaded firearm on any premise that is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(8) In the case of a handgun, the minor is in legal possession of the firearm pursuant to Section 12101.

(9) In the case of a firearm that is not a handgun, the minor received possession of that firearm in accordance with subdivision (p) of Section 12078.

(d) Criminal storage of a firearm is punishable as follows:

(1) Criminal storage of a firearm in the first degree, by imprisonment in the state prison for 16 months, or two or three years, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) Criminal storage of a firearm in the second degree, by imprisonment in a county jail not exceeding one year, by a fine not

1 exceeding one thousand dollars (\$1,000), or by both that
2 imprisonment and fine.

3 (e) If the person who allegedly violated this section is the parent
4 or guardian of a child who is injured or who dies as the result of
5 an accidental shooting, the district attorney shall consider, among
6 other factors, the impact of the injury or death on the person
7 alleged to have violated this section when deciding whether to
8 prosecute an alleged violation. It is the Legislature's intent that a
9 parent or guardian of a child who is injured or who dies as the result
10 of an accidental shooting shall be prosecuted only in those
11 instances in which the parent or guardian behaved in a grossly
12 negligent manner or where similarly egregious circumstances
13 exist. This subdivision shall not otherwise restrict, in any manner,
14 the factors that a district attorney may consider when deciding
15 whether to prosecute alleged violations of this section.

16 (f) If the person who allegedly violated this section is the parent
17 or guardian of a child who is injured or who dies as the result of
18 an accidental shooting, no arrest of the person for the alleged
19 violation of this section shall occur until at least seven days after
20 the date upon which the accidental shooting occurred.

21 In addition to the limitation contained in this subdivision, a law
22 enforcement officer shall consider the health status of a child who
23 suffers great bodily injury as the result of an accidental shooting
24 prior to arresting a person for a violation of this section, if the
25 person to be arrested is the parent or guardian of the injured child.
26 The intent of this subdivision is to encourage law enforcement
27 officials to delay the arrest of a parent or guardian of a seriously
28 injured child while the child remains on life support equipment or
29 is in a similarly critical medical condition.

30 (g) (1) The fact that the person who allegedly violated this
31 section attended a firearm safety training course prior to the
32 purchase of the firearm that is obtained by a child in violation of
33 this section shall be considered a mitigating factor by a district
34 attorney when he or she is deciding whether to prosecute the
35 alleged violation.

36 (2) In any action or trial commenced under this section, the fact
37 that the person who allegedly violated this section attended a
38 firearm safety training course prior to the purchase of the firearm
39 that is obtained by a child in violation of this section, shall be
40 admissible.

(h) Every person licensed under Section 12071 shall post within the licensed premises the notice required by paragraph (7) of subdivision (b) of that section, disclosing the duty imposed by this section upon any person who keeps a loaded firearm.

SEC. 2. Section 12036 of the Penal Code is amended to read:

12036. (a) As used in this section, the following definitions shall apply:

(1) “Locking device” means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.

(2) “Child” means a person under the age of 18 years.

(3) “Off-premises” means premises other than the premises where the firearm was stored.

(4) “Locked container” has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm and the child obtains access to that firearm, shall be punished by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that firearm and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) A person who keeps any firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm and the child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance whether occurring on school grounds or elsewhere, shall be punished by

1 imprisonment in a county jail not exceeding one year, by a fine not
2 exceeding five thousand dollars (\$5,000), or by both that
3 imprisonment and fine.

4 (e) A pistol, revolver, or other firearm capable of being
5 concealed upon the person that a child gains access to and carries
6 off-premises in violation of this section shall be deemed “used in
7 the commission of any misdemeanor as provided in this code or
8 any felony” for the purpose of subdivision (b) of Section 12028
9 regarding the authority to confiscate firearms and other deadly
10 weapons as a nuisance.

11 (f) This section shall not apply if any one of the following
12 circumstances exists:

13 (1) The child obtains the pistol, revolver, or other firearm
14 capable of being concealed upon the person as a result of an illegal
15 entry into any premises by any person.

16 (2) The pistol, revolver, or other firearm capable of being
17 concealed upon the person is kept in a locked container or in a
18 location that a reasonable person would believe to be secure.

19 (3) The pistol, revolver, or other firearm capable of being
20 concealed upon the person is locked with a locking device that has
21 rendered the firearm inoperable.

22 (4) The pistol, revolver, or other firearm capable of being
23 concealed upon a person is carried on the person within such a
24 close range that the individual can readily retrieve and use the
25 firearm as if carried on the person.

26 (5) The person is a peace officer or a member of the Armed
27 Forces or National Guard and the child obtains the pistol, revolver,
28 or other firearm capable of being concealed upon the person
29 during, or incidental to, the performance of the person’s duties.

30 (6) The child obtains, or obtains and discharges, the pistol,
31 revolver, or other firearm capable of being concealed upon the
32 person in a lawful act of self-defense or defense of another person
33 or persons.

34 (7) The person who keeps a pistol, revolver, or other firearm
35 capable of being concealed upon the person has no reasonable
36 expectation, based on objective facts and circumstances, that a
37 child is likely to be present on the premises.

38 (8) In the case of a handgun, the minor is in legal possession of
39 the firearm pursuant to Section 12101.

1 (9) In the case of a firearm that is not a handgun, the minor
2 received possession of that firearm in accordance with subdivision
3 (p) of Section 12078.

4 (g) If the person who allegedly violated this section is the
5 parent or guardian of a child who is injured or who dies as the result
6 of an accidental shooting, the district attorney shall consider,
7 among other factors, the impact of the injury or death on the person
8 alleged to have violated this section when deciding whether to
9 prosecute the alleged violation. It is the Legislature's intent that a
10 parent or guardian of a child who is injured or who dies as the result
11 of an accidental shooting shall be prosecuted only in those
12 instances in which the parent or guardian behaved in a grossly
13 negligent manner or where similarly egregious circumstances
14 exist. This subdivision shall not otherwise restrict, in any manner,
15 the factors that a district attorney may consider when deciding
16 whether to prosecute alleged violations of this section.

17 (h) If the person who allegedly violated this section is the
18 parent or guardian of a child who is injured or who dies as the result
19 of an accidental shooting, no arrest of the person for the alleged
20 violation of this section shall occur until at least seven days after
21 the date upon which the accidental shooting occurred.

22 In addition to the limitation contained in this subdivision, a law
23 enforcement officer shall consider the health status of a child who
24 suffers great bodily injury as the result of an accidental shooting
25 prior to arresting a person for a violation of this section, if the
26 person to be arrested is the parent or guardian of the injured child.
27 The intent of this subdivision is to encourage law enforcement
28 officials to delay the arrest of a parent or guardian of a seriously
29 injured child while the child remains on life-support equipment or
30 is in a similarly critical medical condition.

31 (i) (1) The fact that the person who allegedly violated this
32 section attended a firearm safety training course prior to the
33 purchase of the firearm that is obtained by a child in violation of
34 this section shall be considered a mitigating factor by a district
35 attorney when he or she is deciding whether to prosecute the
36 alleged violation.

37 (2) In any action or trial commenced under this section, the fact
38 that the person who allegedly violated this section attended a
39 firearm safety training course prior to the purchase of the firearm

1 that is obtained by a child in violation of this section, shall be
2 admissible.

3 (j) Every person licensed under Section 12071 shall post within
4 the licensed premises the notice required by paragraph (7) of
5 subdivision (b) of that section, disclosing the duty imposed by this
6 section upon any person who keeps any firearm.

7 SEC. 3. Section 12071 of the Penal Code is amended to read:

8 12071. (a) (1) As used in this chapter, the term “licensee,”
9 “person licensed pursuant to Section 12071,” or “dealer” means
10 a person who has all of the following:

11 (A) A valid federal firearms license.

12 (B) Any regulatory or business license, or licenses, required by
13 local government.

14 (C) A valid seller’s permit issued by the State Board of
15 Equalization.

16 (D) A certificate of eligibility issued by the Department of
17 Justice pursuant to paragraph (4).

18 (E) A license issued in the format prescribed by paragraph (6).

19 (F) Is among those recorded in the centralized list specified in
20 subdivision (e).

21 (2) The duly constituted licensing authority of a city, county, or
22 a city and county shall accept applications for, and may grant
23 licenses permitting, licensees to sell firearms at retail within the
24 city, county, or city and county. The duly constituted licensing
25 authority shall inform applicants who are denied licenses of the
26 reasons for the denial in writing.

27 (3) No license shall be granted to any applicant who fails to
28 provide a copy of his or her valid federal firearms license, valid
29 seller’s permit issued by the State Board of Equalization, and the
30 certificate of eligibility described in paragraph (4).

31 (4) A person may request a certificate of eligibility from the
32 Department of Justice and the Department of Justice shall issue a
33 certificate to an applicant if the department’s records indicate that
34 the applicant is not a person who is prohibited from possessing
35 firearms.

36 (5) The department shall adopt regulations to administer the
37 certificate of eligibility program and shall recover the full costs of
38 administering the program by imposing fees assessed to applicants
39 who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant’s intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at

1 events specified in subdivision (g) of Section 12078, subject to the
2 prohibitions and restrictions contained in that subdivision.

3 A person licensed pursuant to subdivision (a) also may accept
4 delivery of firearms other than pistols, revolvers, or other firearms
5 capable of being concealed upon the person, outside the building
6 designated in the license, provided the firearm is being donated for
7 the purpose of sale or transfer at an auction or similar event
8 specified in subdivision (g) of Section 12078.

9 (D) The firearm may be delivered to the purchaser, transferee,
10 or person being loaned the firearm at one of the following places:

11 (i) The building designated in the license.

12 (ii) The places specified in subparagraph (B) or (C).

13 (iii) The place of residence of, the fixed place of business of,
14 or on private property owned or lawfully possessed by, the
15 purchaser, transferee, or person being loaned the firearm.

16 (2) The license or a copy thereof, certified by the issuing
17 authority, shall be displayed on the premises where it can easily be
18 seen.

19 (3) No firearm shall be delivered:

20 (A) Within 10 days of the application to purchase, or, after
21 notice by the department pursuant to subdivision (d) of Section
22 12076, within 10 days of the submission to the department of any
23 correction to the application, or within 10 days of the submission
24 to the department of any fee required pursuant to subdivision (e)
25 of Section 12076, whichever is later.

26 (B) Unless unloaded and securely wrapped or unloaded and in
27 a locked container.

28 (C) Unless the purchaser, transferee, or person being loaned the
29 firearm presents clear evidence of his or her identity and age to the
30 dealer.

31 (D) Whenever the dealer is notified by the Department of
32 Justice that the person is in a prohibited class described in Section
33 12021 or 12021.1 of this code or Section 8100 or 8103 of the
34 Welfare and Institutions Code. The dealer shall make available to
35 the person in the prohibited class a prohibited notice and transfer
36 form, provided by the department, stating that the person is
37 prohibited from owning or possessing a firearm, and that the
38 person may obtain from the department the reason for the
39 prohibition.

(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) “IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT OR USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, OR A PERSON UNDER THE AGE OF 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(C) “IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP

1 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
2 STORED THE FIREARM IN A LOCKED CONTAINER, OR
3 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

4 (D) “DISCHARGING FIREARMS IN POORLY
5 VENTILATED AREAS, CLEANING FIREARMS, OR
6 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
7 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
8 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
9 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
10 ALL TIMES. WASH HANDS THOROUGHLY AFTER
11 EXPOSURE.”

12 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
13 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
14 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
15 DAYS AFTER YOU COMPLETE THE INITIAL
16 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
17 TO GO THROUGH THE BACKGROUND CHECK PROCESS
18 A SECOND TIME IN ORDER TO TAKE PHYSICAL
19 POSSESSION OF THAT FIREARM.”

20 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
21 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
22 OTHER FIREARM CAPABLE OF BEING CONCEALED
23 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
24 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
25 HAS MADE AN APPLICATION TO PURCHASE MORE
26 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
27 CAPABLE OF BEING CONCEALED UPON THE PERSON
28 WITHIN ANY 30-DAY PERIOD.”

29 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
30 no pistol, revolver, or other firearm capable of being concealed
31 upon the person shall be delivered unless the purchaser, transferee,
32 or person being loaned the firearm presents to the dealer a basic
33 firearms safety certificate.

34 (B) Commencing January 1, 2003, no dealer may deliver a
35 handgun unless the person receiving the handgun presents to the
36 dealer a valid handgun safety certificate. The firearms dealer shall
37 retain a photocopy of the handgun safety certificate as proof of
38 compliance with this requirement.

39 (C) Commencing January 1, 2003, no handgun may be
40 delivered unless the purchaser, transferee, or person being loaned

1 the firearm presents documentation indicating that he or she is a
2 California resident. Satisfactory documentation shall include a
3 utility bill from within the last three months, a residential lease, a
4 property deed, or military permanent duty station orders indicating
5 assignment within this state, or other evidence of residency as
6 permitted by the Department of Justice. The firearms dealer shall
7 retain a photocopy of the documentation as proof of compliance
8 with this requirement.

9 (D) Commencing January 1, 2003, except as authorized by the
10 department, no firearms dealer may deliver a handgun unless the
11 recipient performs a safe handling demonstration with that
12 handgun. The demonstration shall commence with the handgun
13 unloaded and locked with the firearm safety device with which it
14 is required to be delivered, if applicable. While maintaining
15 muzzle awareness, that is, the firearm is pointed in a safe direction,
16 preferably down at the ground, and trigger discipline, that is, the
17 trigger finger is outside of the trigger guard and along side of the
18 handgun frame, at all times, the handgun recipient shall correctly
19 and safely perform the following:

20 (i) If the handgun is a semiautomatic pistol:

21 (I) Remove the magazine.

22 (II) Lock the slide back. If the model of firearm does not allow
23 the slide to be locked back, pull the slide back, visually and
24 physically check the chamber to ensure that it is clear.

25 (III) Visually and physically inspect the chamber, to ensure that
26 the handgun is unloaded.

27 (IV) Remove the firearm safety device, if applicable. If the
28 firearm safety device prevents any of the previous steps, remove
29 the firearm safety device during the appropriate step.

30 (V) Load one bright orange, red, or other readily identifiable
31 dummy round into the magazine. If no readily identifiable dummy
32 round is available, an empty cartridge casing with an empty primer
33 pocket may be used.

34 (VI) Insert the magazine into the magazine well of the firearm.

35 (VII) Manipulate the slide release or pull back and release the
36 slide.

37 (VIII) Remove the magazine.

38 (IX) Visually inspect the chamber to reveal that a round can be
39 chambered with the magazine removed.

(X) Lock the slide back to eject the bright orange, red, or other readily identifiable dummy round. If the handgun is of a model that does not allow the slide to be locked back, pull the slide back and physically check the chamber to ensure that the chamber is clear. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

(XI) Apply the safety, if applicable.

(XII) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearms safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in paragraph (2) of subdivision (h) of Section 12132 or is subject to paragraph (3) of subdivision (h) of Section 12132.

(ii) If the handgun is a double-action revolver:

(I) Open the cylinder.

(II) Visually and physically inspect each chamber, to ensure that the revolver is unloaded.

(III) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

(IV) While maintaining muzzle awareness and trigger discipline, load one bright orange, red, or other readily identifiable dummy round into a chamber of the cylinder and rotate the cylinder so that the round is in the next-to-fire position. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

(V) Close the cylinder.

(VI) Open the cylinder and eject the round.

(VII) Visually and physically inspect each chamber to ensure that the revolver is unloaded.

(VIII) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearms safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in paragraph (2) of subdivision (h) of Section 12132 or is subject to paragraph (3) of subdivision (h) of Section 12132.

(iii) If the handgun is a single-action revolver:

(I) Open the loading gate.

1 (II) Visually and physically inspect each chamber, to ensure
2 that the revolver is unloaded.

3 (III) Remove the firearm safety device required to be sold with
4 the handgun. If the firearm safety device prevents any of the
5 previous steps, remove the firearm safety device during the
6 appropriate step.

7 (IV) Load one bright orange, red, or other readily identifiable
8 dummy round into a chamber of the cylinder, close the loading
9 gate and rotate the cylinder so that the round is in the next-to-fire
10 position. If no readily identifiable dummy round is available, an
11 empty cartridge casing with an empty primer pocket may be used.

12 (V) Open the loading gate and unload the revolver.

13 (VI) Visually and physically inspect each chamber to ensure
14 that the revolver is unloaded.

15 (VII) Apply the firearm safety device, if applicable. This
16 requirement shall not apply to an Olympic competition pistol if no
17 firearms safety device, other than a cable lock that the department
18 has determined would damage the barrel of the pistol, has been
19 approved for the pistol, and the pistol is either listed in paragraph
20 (2) of subdivision (h) of Section 12132 or is subject to paragraph
21 (3) of subdivision (h) of Section 12132.

22 (E) The recipient shall receive instruction regarding how to
23 render that handgun safe in the event of a jam.

24 (F) The firearms dealer shall sign and date an affidavit stating
25 that the requirements of subparagraph (D) have been met. The
26 firearms dealer shall additionally obtain the signature of the
27 handgun purchaser on the same affidavit. The firearms dealer shall
28 retain the original affidavit as proof of compliance with this
29 requirement.

30 (G) The recipient shall perform the safe handling
31 demonstration for a department certified instructor.

32 (H) No demonstration shall be required if the dealer is
33 returning the handgun to the owner of the handgun.

34 (I) Department certified instructors who may administer the
35 safe handling demonstration shall meet the requirements set forth
36 in subdivision (j) of Section 12804.

37 (J) The persons who are exempt from the requirements of
38 subdivision (b) of Section 12801, pursuant to Section 12807, are
39 also exempt from performing the safe handling demonstration.



1 (9) Commencing July 1, 1992, the licensee shall offer to
2 provide the purchaser or transferee of a firearm, or person being
3 loaned a firearm, with a copy of the pamphlet described in Section
4 12080 and may add the cost of the pamphlet, if any, to the sales
5 price of the firearm.

6 (10) The licensee shall not commit an act of collusion as
7 defined in Section 12072.

8 (11) The licensee shall post conspicuously within the licensed
9 premises a detailed list of each of the following:

10 (A) All charges required by governmental agencies for
11 processing firearm transfers required by Sections 12076, 12082,
12 and 12806.

13 (B) All fees that the licensee charges pursuant to Sections
14 12082 and 12806.

15 (12) The licensee shall not misstate the amount of fees charged
16 by a governmental agency pursuant to Sections 12076, 12082, and
17 12806.

18 (13) The licensee shall report the loss or theft of any firearm
19 that is merchandise of the licensee, any firearm that the licensee
20 takes possession of pursuant to Section 12082, or any firearm kept
21 at the licensee's place of business within 48 hours of discovery to
22 the appropriate law enforcement agency in the city, county, or city
23 and county where the licensee's business premises are located.

24 (14) Any time when the licensee is not open for business, the
25 licensee shall store all firearms kept in his or her licensed place of
26 business using one of the following methods as to each particular
27 firearm:

28 (A) Store the firearm in a secure facility that is a part of, or that
29 constitutes, the licensee's business premises.

30 (B) Secure the firearm with a hardened steel rod or cable of at
31 least one-eighth inch in diameter through the trigger guard of the
32 firearm. The steel rod or cable shall be secured with a hardened
33 steel lock that has a shackle. The lock and shackle shall be
34 protected or shielded from the use of a bolt cutter and the rod or
35 cable shall be anchored in a manner that prevents the removal of
36 the firearm from the premises.

37 (C) Store the firearm in a locked fireproof safe or vault in the
38 licensee's business premises.

39 (15) The licensing authority in an unincorporated area of a
40 county or within a city may impose security requirements that are

1 more strict or are at a higher standard than those specified in
2 paragraph (14).

3 (16) Commencing January 1, 1994, the licensee shall, upon the
4 issuance or renewal of a license, submit a copy of the same to the
5 Department of Justice.

6 (17) The licensee shall maintain and make available for
7 inspection during business hours to any peace officer, authorized
8 local law enforcement employee, or Department of Justice
9 employee designated by the Attorney General, upon the
10 presentation of proper identification, a firearms transaction
11 record.

12 (18) (A) On the date of receipt, the licensee shall report to the
13 Department of Justice in a format prescribed by the department the
14 acquisition by the licensee of the ownership of a pistol, revolver,
15 or other firearm capable of being concealed upon the person.

16 (B) The provisions of this paragraph shall not apply to any of
17 the following transactions:

18 (i) A transaction subject to the provisions of subdivision (n) of
19 Section 12078.

20 (ii) The dealer acquired the firearm from a wholesaler.

21 (iii) The dealer is also licensed as a secondhand dealer pursuant
22 to Article 4 (commencing with Section 21625) of Chapter 9 of
23 Division 8 of the Business and Professions Code.

24 (iv) The dealer acquired the firearm from a person who is
25 licensed as a manufacturer or importer to engage in those activities
26 pursuant to Chapter 44 (commencing with Section 921) of Title 18
27 of the United States Code and any regulations issued pursuant
28 thereto.

29 (v) The dealer acquired the firearm from a person who resides
30 outside this state who is licensed pursuant to Chapter 44
31 (commencing with Section 921) of Title 18 of the United States
32 Code and any regulations issued pursuant thereto.

33 (19) The licensee shall forward in a format prescribed by the
34 Department of Justice, information as required by the department
35 on any firearm that is not delivered within the time period set forth
36 in Section 178.102(c) of Title 27 of the Code of Federal
37 Regulations.

38 (20) (A) Firearms dealers may require any agent who handles,
39 sells, or delivers firearms to obtain and provide to the dealer a
40 certificate of eligibility from the department pursuant to paragraph



1 (4) of subdivision (a). The agent or employee shall provide on the
2 application, the name and California firearms dealer number of the
3 firearms dealer with whom he or she is employed.

4 (B) The department shall notify the firearms dealer in the event
5 that the agent or employee who has a certificate of eligibility is or
6 becomes prohibited from possessing firearms.

7 (C) If the local jurisdiction requires a background check of the
8 agents or employees of the firearms dealer, the agent or employee
9 shall obtain a certificate of eligibility pursuant to subparagraph
10 (A).

11 (D) Nothing in this paragraph shall be construed to preclude a
12 local jurisdiction from conducting an additional background
13 check pursuant to Section 11105 or prohibiting employment based
14 on criminal history that does not appear as part of obtaining a
15 certificate of eligibility, provided however, that the local
16 jurisdiction may not charge a fee for the additional criminal history
17 check.

18 (E) The licensee shall prohibit any agent who the licensee
19 knows or reasonably should know is within a class of persons
20 prohibited from possessing firearms pursuant to Section 12021 or
21 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
22 Institutions Code, from coming into contact with any firearm that
23 is not secured and from accessing any key, combination, code, or
24 other means to open any of the locking devices described in clause
25 (ii) of subparagraph (G) of this paragraph.

26 (F) Nothing in this paragraph shall be construed as preventing
27 a local government from enacting an ordinance imposing
28 additional conditions on licensees with regard to agents.

29 (G) For purposes of this section, the following definitions shall
30 apply:

31 (i) An “agent” is an employee of the licensee.

32 (ii) “Secured” means a firearm that is made inoperable in one
33 or more of the following ways:

34 (I) The firearm is inoperable because it is secured by a firearms
35 safety device listed on the department’s roster of approved
36 firearms safety devices pursuant to subdivision (d) of Section
37 12088 of this chapter.

38 (II) The firearm is stored in a locked gun safe or long-gun safe
39 which meets the standards for department-approved gun safes set
40 forth in Section 12088.2.

1 (III) The firearm is stored in a distinct locked room or area in
2 the building that is used to store firearms that can only be unlocked
3 by a key, a combination, or similar means.

4 (IV) The firearm is secured with a hardened steel rod or cable
5 that is at least one-eighth of an inch in diameter through the trigger
6 guard of the firearm. The steel rod or cable shall be secured with
7 a hardened steel lock that has a shackle. The lock and shackle shall
8 be protected or shielded from the use of a bolt cutter and the rod
9 or cable shall be anchored in a manner that prevents the removal
10 of the firearm from the premises.

11 (c) (1) As used in this article, “clear evidence of his or her
12 identity and age” means either of the following:

13 (A) A valid California driver’s license.

14 (B) A valid California identification card issued by the
15 Department of Motor Vehicles.

16 (2) As used in this section, a “secure facility” means a building
17 that meets all of the following specifications:

18 (A) All perimeter doorways shall meet one of the following:

19 (i) A windowless steel security door equipped with both a dead
20 bolt and a doorknob lock.

21 (ii) A windowed metal door that is equipped with both a dead
22 bolt and a doorknob lock. If the window has an opening of 5 inches
23 or more measured in any direction, the window shall be covered
24 with steel bars of at least $\frac{1}{2}$ inch diameter or metal grating of at
25 least 9 gauge affixed to the exterior or interior of the door.

26 (iii) A metal grate that is padlocked and affixed to the licensee’s
27 premises independent of the door and doorframe.

28 (B) All windows are covered with steel bars.

29 (C) Heating, ventilating, air-conditioning, and service
30 openings are secured with steel bars, metal grating, or an alarm
31 system.

32 (D) Any metal grates have spaces no larger than 6 inches wide
33 measured in any direction.

34 (E) Any metal screens have spaces no larger than 3 inches wide
35 measured in any direction.

36 (F) All steel bars shall be no further than 6 inches apart.

37 (3) As used in this section, “licensed premises,” “licensed
38 place of business,” “licensee’s place of business,” or “licensee’s
39 business premises” means the building designated in the license.

40 (4) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) (1) Except as otherwise provided in this paragraph, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a), and all persons who have submitted information pursuant to subdivision (a) of Section 12083. The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer’s business is located.

(2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.

(3) Information compiled from the list shall be made available, upon request, for the following purposes only:

(A) For law enforcement purposes.

(B) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(C) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b).

(4) Information provided pursuant to paragraph (3) shall be limited to information necessary to corroborate an individual's current license status as being one of the following:

(A) A person licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

(B) A person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and who is not subject to the requirement that he or she be licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a).

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit

1 corporation organized pursuant to Part 2 (commencing with
2 Section 5110) or Part 3 (commencing with Section 7110) of
3 Division 2 of the Corporations Code, if both of the following
4 conditions are satisfied:

5 (1) The nonprofit public benefit or mutual benefit corporation
6 obtained the dealer's license solely and exclusively to assist that
7 corporation or local chapters of that corporation in conducting
8 auctions or similar events at which firearms are auctioned off to
9 fund the activities of that corporation or the local chapters of the
10 corporation.

11 (2) The firearms are not pistols, revolvers, or other firearms
12 capable of being concealed upon the person.

13 (i) (1) For every verification inquiry made pursuant to
14 paragraph (1) of subdivision (f) of Section 12072, the department
15 shall determine whether the intended recipient possesses an
16 appropriate, valid license issued pursuant to Chapter 44
17 (commencing with Section 921) of Title 18 of the United States
18 Code and, if applicable, is properly licensed pursuant to this
19 section.

20 (2) If the intended recipient possesses an appropriate, valid
21 license issued pursuant to Chapter 44 (commencing with Section
22 921) of Title 18 of the United States Code, and if applicable, is
23 properly licensed pursuant to this section, the department shall
24 immediately provide a unique verification number to the inquiring
25 party.

26 (3) If the intended recipient does not possess an appropriate,
27 valid license issued pursuant to Chapter 44 (commencing with
28 Section 921) of Title 18 of the United States Code, or if applicable,
29 is not properly licensed pursuant to this section, the department
30 shall do all of the following:

31 (A) Immediately notify the inquiring party of that fact.

32 (B) Within 24 hours, notify the chief law enforcement officer
33 of the jurisdiction where the address on the federal firearms license
34 about which the inquiry was made is located, and notify an
35 appropriate employee of the federal Bureau of Alcohol, Tobacco
36 and Firearms of the denied verification.

37 SEC. 4. Section 12078 of the Penal Code is amended to read:

38 12078. (a) (1) The waiting periods described in Sections
39 12071, 12072, and 12084 shall not apply to deliveries, transfers,
40 or sales of firearms made to persons properly identified as

1 full-time paid peace officers as defined in Chapter 4.5
2 (commencing with Section 830) of Title 3 of Part 2, provided that
3 the peace officers are authorized by their employer to carry
4 firearms while in the performance of their duties. Proper
5 identification is defined as verifiable written certification from the
6 head of the agency by which the purchaser or transferee is
7 employed, identifying the purchaser or transferee as a peace
8 officer who is authorized to carry firearms while in the
9 performance of his or her duties, and authorizing the purchase or
10 transfer. The certification shall be delivered to the dealer or local
11 law enforcement agency acting pursuant to Section 12084 at the
12 time of purchase or transfer and the purchaser or transferee shall
13 identify himself or herself as the person authorized in the
14 certification. The dealer or local law enforcement agency shall
15 keep the certification with the record of sale, or LEFT, as the case
16 may be. On the date that the delivery, sale, or transfer is made, the
17 dealer delivering the firearm or the law enforcement agency
18 processing the transaction pursuant to Section 12084 shall forward
19 by prepaid mail to the Department of Justice a report of the
20 transaction pursuant to subdivision (b) or (c) of Section 12077 or
21 Section 12084. If electronic or telephonic transfer of applicant
22 information is used, on the date that the application to purchase is
23 completed, the dealer delivering the firearm shall transmit to the
24 Department of Justice an electronic or telephonic report of the
25 transaction as is indicated in subdivision (b) or (c) of Section
26 12077.

27 (2) Subdivision (b) of Section 12801 and the preceding
28 provisions of this article do not apply to deliveries, transfers, or
29 sales of firearms made to authorized law enforcement
30 representatives of cities, counties, cities and counties, or state or
31 federal governments for exclusive use by those governmental
32 agencies if, prior to the delivery, transfer, or sale of these firearms,
33 written authorization from the head of the agency authorizing the
34 transaction is presented to the person from whom the purchase,
35 delivery, or transfer is being made. Proper written authorization is
36 defined as verifiable written certification from the head of the
37 agency by which the purchaser or transferee is employed,
38 identifying the employee as an individual authorized to conduct
39 the transaction, and authorizing the transaction for the exclusive
40 use of the agency by which he or she is employed. Within 10 days



1 of the date a pistol, revolver, or other firearm capable of being
2 concealed upon the person is acquired by the agency, a record of
3 the same shall be entered as an institutional weapon into the
4 Automated Firearms System (AFS) via the California Law
5 Enforcement Telecommunications System (CLETS) by the law
6 enforcement or state agency. Those agencies without access to
7 AFS shall arrange with the sheriff of the county in which the
8 agency is located to input this information via this system.

9 (3) Subdivision (b) of Section 12801 and the preceding
10 provisions of this article do not apply to the loan of a firearm made
11 by an authorized law enforcement representative of a city, county,
12 or city and county, or the state or federal government to a peace
13 officer employed by that agency and authorized to carry a firearm
14 for the carrying and use of that firearm by that peace officer in the
15 course and scope of his or her duties.

16 (4) Subdivision (b) of Section 12801 and the preceding
17 provisions of this article do not apply to the delivery, sale, or
18 transfer of a firearm by a law enforcement agency to a peace officer
19 pursuant to Section 10334 of the Public Contract Code. Within 10
20 days of the date that a pistol, revolver, or other firearm capable of
21 being concealed upon the person is sold, delivered, or transferred
22 pursuant to Section 10334 of the Public Contract Code to that
23 peace officer, the name of the officer and the make, model, serial
24 number, and other identifying characteristics of the firearm being
25 sold, transferred, or delivered shall be entered into the Automated
26 Firearms System (AFS) via the California Law Enforcement
27 Telecommunications System (CLETS) by the law enforcement or
28 state agency that sold, transferred, or delivered the firearm. Those
29 agencies without access to AFS shall arrange with the sheriff of the
30 county in which the agency is located to input this information via
31 this system.

32 (5) Subdivision (b) of Section 12801 and the preceding
33 provisions of this article do not apply to the delivery, sale, or
34 transfer of a firearm by a law enforcement agency to a retiring
35 peace officer who is authorized to carry a firearm pursuant to
36 Section 12027.1. Within 10 days of the date that a pistol, revolver,
37 or other firearm capable of being concealed upon the person is
38 sold, delivered, or transferred to that retiring peace officer, the
39 name of the officer and the make, model, serial number, and other
40 identifying characteristics of the firearm being sold, transferred,

1 or delivered shall be entered into the Automated Firearms System
2 (AFS) via the California Law Enforcement Telecommunications
3 System (CLETS) by the law enforcement or state agency that sold,
4 transferred, or delivered the firearm. Those agencies without
5 access to AFS shall arrange with the sheriff of the county in which
6 the agency is located to input this information via this system.

7 (6) Subdivision (d) of Section 12072 and subdivision (b) of
8 Section 12801 do not apply to sales, deliveries, or transfers of
9 firearms to authorized representatives of cities, cities and counties,
10 counties, or state or federal governments for those governmental
11 agencies where the entity is acquiring the weapon as part of an
12 authorized, voluntary program where the entity is buying or
13 receiving weapons from private individuals. Any weapons
14 acquired pursuant to this paragraph shall be disposed of pursuant
15 to the applicable provisions of Section 12028 or 12032.

16 (7) Subdivision (d) of Section 12072 and subdivision (b) of
17 Section 12801 shall not apply to the sale, loan, delivery, or transfer
18 of a firearm made by an authorized law enforcement
19 representative of a city, county, city and county, state, or the federal
20 government to any public or private nonprofit historical society,
21 museum, or institutional collection or the purchase or receipt of
22 that firearm by that public or private nonprofit historical society,
23 museum, or institutional collection if all of the following
24 conditions are met:

25 (A) The entity receiving the firearm is open to the public.

26 (B) The firearm prior to delivery is deactivated or rendered
27 inoperable.

28 (C) The firearm is not subject to Section 12028, 12028.5,
29 12030, or 12032.

30 (D) The firearm is not prohibited by other provisions of law
31 from being sold, delivered, or transferred to the public at large.

32 (E) Prior to delivery, the entity receiving the firearm submits
33 a written statement to the law enforcement representative stating
34 that the firearm will not be restored to operating condition, and will
35 either remain with that entity, or if subsequently disposed of, will
36 be transferred in accordance with the applicable provisions of this
37 article and, if applicable, Section 12801.

38 (F) Within 10 days of the date that the firearm is sold, loaned,
39 delivered, or transferred to that entity, the name of the government
40 entity delivering the firearm, and the make, model, serial number,

1 and other identifying characteristics of the firearm and the name
2 of the person authorized by the entity to take possession of the
3 firearm shall be reported to the department in a manner prescribed
4 by the department.

5 (G) In the event of a change in the status of the designated
6 representative, the entity shall notify the department of a new
7 representative within 30 days.

8 (8) Subdivision (d) of Section 12072 and subdivision (b) of
9 Section 12801 shall not apply to the sale, loan, delivery, or transfer
10 of a firearm made by any person other than a representative of an
11 authorized law enforcement agency to any public or private
12 nonprofit historical society, museum, or institutional collection if
13 all of the following conditions are met:

14 (A) The entity receiving the firearm is open to the public.

15 (B) The firearm is deactivated or rendered inoperable prior to
16 delivery.

17 (C) The firearm is not of a type prohibited from being sold,
18 delivered, or transferred to the public.

19 (D) Prior to delivery, the entity receiving the firearm submits
20 a written statement to the person selling, loaning, or transferring
21 the firearm stating that the firearm will not be restored to operating
22 condition, and will either remain with that entity, or if
23 subsequently disposed of, will be transferred in accordance with
24 the applicable, provisions of this article and, if applicable Section
25 12801.

26 (E) If title to a handgun is being transferred to the public or
27 private nonprofit historical society, museum, or institutional
28 collection, then the designated representative of that public or
29 private historical society, museum or institutional collection
30 within 30 days of taking possession of that handgun, shall forward
31 by prepaid mail or deliver in person to the Department of Justice,
32 a single report signed by both parties to the transaction, that
33 includes information identifying the person representing that
34 public or private historical society, museum, or institutional
35 collection, how title was obtained and from whom, and a
36 description of the firearm in question, along with a copy of the
37 written statement referred to in subparagraph (D). The report
38 forms that are to be completed pursuant to this paragraph shall be
39 provided by the Department of Justice.

1 (F) In the event of a change in the status of the designated
2 representative, the entity shall notify the department of a new
3 representative within 30 days.

4 (b) (1) Section 12071, subdivisions (c) and (d) of Section
5 12072, and subdivision (b) of Section 12801 shall not apply to
6 deliveries, sales, or transfers of firearms between or to importers
7 and manufacturers of firearms licensed to engage in that business
8 pursuant to Chapter 44 (commencing with Section 921) of Title 18
9 of the United States Code and the regulations issued pursuant
10 thereto.

11 (2) Subdivision (b) of Section 12801 shall not apply to the
12 delivery, sale, or transfer of a handgun to a person licensed
13 pursuant to Section 12071, where the licensee is receiving the
14 handgun in the course and scope of his or her activities as a person
15 licensed pursuant to Section 12071.

16 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
17 infrequent transfer of a firearm that is not a handgun by gift,
18 bequest, intestate succession, or other means by one individual to
19 another if both individuals are members of the same immediate
20 family and the person receiving the firearm is 18 years of age or
21 older.

22 (2) Subdivision (d) of Section 12072 shall not apply to the
23 infrequent transfer of a handgun by gift, bequest, intestate
24 succession, or other means by one individual to another if both
25 individuals are members of the same immediate family and all of
26 the following conditions are met:

27 (A) The person to whom the firearm is transferred shall, within
28 30 days of taking possession of the firearm, forward by prepaid
29 mail or deliver in person to the Department of Justice, a report that
30 includes information concerning the individual taking possession
31 of the firearm, how title was obtained and from whom, and a
32 description of the firearm in question. The report forms that
33 individuals complete pursuant to this paragraph shall be provided
34 to them by the Department of Justice.

35 (B) If taking possession of the firearm prior to January 1, 2003,
36 the person taking title to the firearm shall first obtain a basic
37 firearms safety certificate. If taking possession on or after January
38 1, 2003, the person taking title to the firearm shall first obtain a
39 handgun safety certificate.

40 (C) The person receiving the firearm is 18 years of age or older.

(3) As used in this subdivision, “immediate family member” means any one of the following relationships:

(A) Parent and child.

(B) Grandparent and grandchild.

(d) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent loan of firearms between persons who are personally known to each other for any lawful purpose, if the loan does not exceed 30 days in duration and, when the firearm is a handgun, commencing January 1, 2003, the individual being loaned the handgun has a valid handgun safety certificate.

(2) Subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a firearm where all of the following conditions exist:

(A) The person loaning the firearm is at all times within the presence of the person being loaned the firearm.

(B) The loan is for a lawful purpose.

(C) The loan does not exceed three days in duration.

(D) The individual receiving the firearm is not prohibited from owning or possessing a firearm pursuant to Section 12021 or 12021.1 of this code, or by Section 8100 or 8103 of the Welfare and Institutions Code.

(E) The person loaning the firearm is 18 years of age or older.

(F) The person being loaned the firearm is 18 years of age or older.

(e) Section 12071, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the delivery of a firearm to a gunsmith for service or repair, or to the return of the firearm to its owner by the gunsmith.

(f) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, delivery, or transfer of firearms by persons who reside in this state to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(g) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent sale or transfer of a firearm, other than a pistol, revolver, or other firearm capable of being concealed upon the

1 person, at auctions or similar events conducted by nonprofit
2 mutual or public benefit corporations organized pursuant to the
3 Corporations Code.

4 As used in this paragraph, the term “infrequent” shall not be
5 construed to prohibit different local chapters of the same nonprofit
6 corporation from conducting auctions or similar events, provided
7 the individual local chapter conducts the auctions or similar events
8 infrequently. It is the intent of the Legislature that different local
9 chapters, representing different localities, be entitled to invoke the
10 exemption created by this paragraph, notwithstanding the
11 frequency with which other chapters of the same nonprofit
12 corporation may conduct auctions or similar events.

13 (2) Subdivision (d) of Section 12072 shall not apply to the
14 transfer of a firearm other than a pistol, revolver, or other firearm
15 capable of being concealed upon the person, if the firearm is
16 donated for an auction or similar event described in paragraph (1)
17 and the firearm is delivered to the nonprofit corporation
18 immediately preceding, or contemporaneous with, the auction or
19 similar event.

20 (3) The waiting period described in Sections 12071 and 12072
21 shall not apply to a dealer who delivers a firearm other than a
22 pistol, revolver, or other firearm capable of being concealed upon
23 the person, at an auction or similar event described in paragraph
24 (1), as authorized by subparagraph (C) of paragraph (1) of
25 subdivision (b) of Section 12071. Within two business days of
26 completion of the application to purchase, the dealer shall forward
27 by prepaid mail to the Department of Justice a report of the same
28 as is indicated in subdivision (c) of Section 12077. If the electronic
29 or telephonic transfer of applicant information is used, within two
30 business days of completion of the application to purchase, the
31 dealer delivering the firearm shall transmit to the Department of
32 Justice an electronic or telephonic report of the same as is indicated
33 in subdivision (c) of Section 12077.

34 (h) Subdivision (d) of Section 12072 and subdivision (b) of
35 Section 12801 shall not apply to the loan of a firearm to a person
36 18 years of age or older for the purposes of shooting at targets if
37 the loan occurs on the premises of a target facility that holds a
38 business or regulatory license or on the premises of any club or
39 organization organized for the purposes of practicing shooting at
40 targets upon established ranges, whether public or private, if the

1 firearm is at all times kept within the premises of the target range
2 or on the premises of the club or organization.

3 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
4 person who takes title or possession of a firearm that is not a pistol,
5 revolver, or other firearm capable of being concealed upon the
6 person by operation of law if the person is not prohibited by
7 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
8 the Welfare and Institutions Code from possessing firearms.

9 (2) Subdivision (d) of Section 12072 shall not apply to a person
10 who takes title or possession of a pistol, revolver, or other firearm
11 capable of being concealed upon the person by operation of law if
12 the person is not prohibited by Section 12021 or 12021.1 of this
13 code or Section 8100 or 8103 of the Welfare and Institutions Code
14 from possessing firearms and all of the following conditions are
15 met:

16 (A) If the person taking title or possession is neither a levying
17 officer as defined in Section 481.140, 511.060, or 680.210 of the
18 Code of Civil Procedure, nor a person who is receiving that firearm
19 pursuant to subparagraph (G), (I), or (J) of paragraph (2) of
20 subdivision (u), the person shall, within 30 days of taking
21 possession, forward by prepaid mail or deliver in person to the
22 Department of Justice, a report of information concerning the
23 individual taking possession of the firearm, how title or possession
24 was obtained and from whom, and a description of the firearm in
25 question. The reports that individuals complete pursuant to this
26 paragraph shall be provided to them by the department.

27 (B) If the person taking title or possession is receiving the
28 firearm pursuant to subparagraph (G) of paragraph (2) of
29 subdivision (u), the person shall do both of the following:

30 (i) Within 30 days of taking possession, forward by prepaid
31 mail or deliver in person to the department, a report of information
32 concerning the individual taking possession of the firearm, how
33 title or possession was obtained and from whom, and a description
34 of the firearm in question. The reports that individuals complete
35 pursuant to this paragraph shall be provided to them by the
36 department.

37 (ii) Prior to taking title or possession of the firearm, if title or
38 possession is taken prior to January 1, 2003, the person shall either
39 obtain a basic firearms safety certificate or be exempt from
40 obtaining a basic firearms safety certificate pursuant to Section

1 12081. Prior to taking title or possession of the firearm, if title or
2 possession is taken on or after January 1, 2003, the person shall
3 obtain a handgun safety certificate.

4 (C) Where the person receiving title or possession of the pistol,
5 revolver, or other firearm capable of being concealed upon the
6 person is a person described in subparagraph (I) of paragraph (2)
7 of subdivision (u), on the date that the person is delivered the
8 firearm, the name and other information concerning the person
9 taking possession of the firearm, how title or possession of the
10 firearm was obtained and from whom, and a description of the
11 firearm by make, model, serial number, and other identifying
12 characteristics, shall be entered into the Automated Firearms
13 System (AFS) via the California Law Enforcement
14 Telecommunications System (CLETS) by the law enforcement or
15 state agency that transferred or delivered the firearm. Those
16 agencies without access to AFS shall arrange with the sheriff of the
17 county in which the agency is located to input this information via
18 this system.

19 (D) Where the person receiving title or possession of the pistol,
20 revolver, or other firearm capable of being concealed upon the
21 person is a person described in subparagraph (J) of paragraph (2)
22 of subdivision (u), on the date that the person is delivered the
23 firearm, the name and other information concerning the person
24 taking possession of the firearm, how title or possession of the
25 firearm was obtained and from whom, and a description of the
26 firearm by make, model, serial number, and other identifying
27 characteristics, shall be entered into the AFS via the CLETS by the
28 law enforcement or state agency that transferred or delivered the
29 firearm. Those agencies without access to AFS shall arrange with
30 the sheriff of the county in which the agency is located to input this
31 information via this system. In addition, that law enforcement
32 agency shall not deliver that pistol, revolver, or other firearm
33 capable of being concealed upon the person to the person referred
34 to in this subparagraph if delivery takes place prior to January 1,
35 2003, unless, prior to the delivery of the same, the person presents
36 proof to the agency that he or she is the holder of a basic firearms
37 safety certificate or is exempt from obtaining a basic firearms
38 safety certificate pursuant to Section 12081, or, commencing
39 January 1, 2003, is the holder of a handgun safety certificate.



(3) Subdivision (d) of Section 12072 shall not apply to a person who takes possession of a firearm by operation of law in a representative capacity who subsequently transfers ownership of the firearm to himself or herself in his or her individual capacity. In the case of a pistol, revolver, or other firearm capable of being concealed upon the person, on and after April 1, 1994, and until January 1, 2003, that individual shall have a basic firearms safety certificate in order for the exemption set forth in this paragraph to apply. Commencing January 1, 2003, the exemption shall not apply, and the individual shall obtain a handgun safety certificate prior to transferring ownership to himself or herself, or taking possession of a handgun in an individual capacity.

(j) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to deliveries, transfers, or returns of firearms made pursuant to Section 12028, 12028.5, or 12030.

(k) Section 12071, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person by a dealer to another dealer upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(2) The delivery, sale, or transfer of unloaded firearms by dealers to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) The delivery, sale, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

(4) The delivery, sale, or transfer of unloaded firearms by one dealer to another dealer if the firearms are intended as merchandise in the receiving dealer's business upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(5) The delivery, sale, or transfer of an unloaded firearm that is not a pistol, revolver, or other firearm capable of being concealed upon the person by a dealer to himself or herself.

(6) The loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(l) A person who is exempt from subdivision (d) of Section 12072 or is otherwise not required by law to report his or her acquisition, ownership, or disposal of a pistol, revolver, or other firearm capable of being concealed upon the person or who moves out of this state with his or her pistol, revolver, or other firearm capable of being concealed upon the person may submit a report of the same to the Department of Justice in a format prescribed by the department.

(m) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of unloaded firearms to a wholesaler as merchandise in the wholesaler's business by manufacturers or importers licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, or by another wholesaler, if the delivery, sale, or transfer is made in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.

(n) (1) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a pistol, revolver, or other firearm capable of being concealed upon the person by a dealer in either of the following situations:

(A) The dealer is delivering the firearm to another dealer and it is not intended as merchandise in the receiving dealer's business.

(B) The dealer is delivering the firearm to himself or herself and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following shall occur:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section

1 12071 by complying with paragraph (1) of subdivision (f) of
2 Section 12072.

3 (B) Whether the dealer is delivering, selling, or transferring the
4 firearm to himself or herself or to another dealer, on the date that
5 the application to purchase is completed, the dealer delivering the
6 firearm shall forward by prepaid mail to the Department of Justice
7 a report of the same and the type of information concerning the
8 purchaser or transferee as is indicated in subdivision (b) of Section
9 12077. Where the electronic or telephonic transfer of applicant
10 information is used, on the date that the application to purchase is
11 completed, the dealer delivering the firearm shall transmit an
12 electronic or telephonic report of the same and the type of
13 information concerning the purchaser or transferee as is indicated
14 in subdivision (b) of Section 12077.

15 (o) Section 12071 and subdivisions (c) and (d) of Section
16 12072 shall not apply to the delivery, sale, or transfer of firearms
17 regulated pursuant to Section 12020, Chapter 2 (commencing with
18 Section 12200), or Chapter 2.3 (commencing with Section
19 12275), if the delivery, sale, or transfer is conducted in accordance
20 with the applicable provisions of Section 12020, Chapter 2
21 (commencing with Section 12200), or Chapter 2.3 (commencing
22 with Section 12275).

23 (p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of
24 Section 12072 shall not apply to the loan of a firearm that is not
25 a pistol, revolver, or other firearm capable of being concealed upon
26 the person to a minor, with the express permission of the parent or
27 legal guardian of the minor, if the loan does not exceed 30 days in
28 duration and is for a lawful purpose.

29 (2) Paragraph (3) of subdivision (a) of Section 12072,
30 subdivision (d) of Section 12072, and subdivision (b) of Section
31 12801 shall not apply to the loan of a pistol, revolver, or other
32 firearm capable of being concealed upon the person to a minor by
33 a person who is not the parent or legal guardian of the minor if all
34 of the following circumstances exist:

35 (A) The minor has the written consent of his or her parent or
36 legal guardian that is presented at the time of, or prior to the time
37 of, the loan, or is accompanied by his or her parent or legal
38 guardian at the time the loan is made.

39 (B) The minor is being loaned the firearm for the purpose of
40 engaging in a lawful, recreational sport, including, but not limited



1 to, competitive shooting, or agricultural, ranching, or hunting
2 activity, or a motion picture, television, or video production, or
3 entertainment or theatrical event, the nature of which involves the
4 use of a firearm.

5 (C) The duration of the loan does not exceed the amount of time
6 that is reasonably necessary to engage in the lawful, recreational
7 sport, including, but not limited to, competitive shooting, or
8 agricultural, ranching, or hunting activity, or a motion picture,
9 television, or video production, or entertainment or theatrical
10 event, the nature of which involves the use of a firearm.

11 (D) The duration of the loan does not, in any event, exceed 10
12 days.

13 (3) Paragraph (3) of subdivision (a), subdivision (d) of Section
14 12072, and subdivision (b) of Section 12801 shall not apply to the
15 loan of a pistol, revolver, or other firearm capable of being
16 concealed upon the person to a minor by his or her parent or legal
17 guardian if both of the following circumstances exist:

18 (A) The minor is being loaned the firearm for the purposes of
19 engaging in a lawful, recreational sport, including, but not limited
20 to, competitive shooting, or agricultural, ranching, or hunting
21 activity, or a motion picture, television, or video production, or
22 entertainment or theatrical event, the nature of which involves the
23 use of a firearm.

24 (B) The duration of the loan does not exceed the amount of time
25 that is reasonably necessary to engage in the lawful, recreational
26 sport, including, but not limited to, competitive shooting, or
27 agricultural, ranching, or hunting activity, or a motion picture,
28 television, or video production, or entertainment or theatrical
29 event, the nature of which involves the use of a firearm.

30 (4) Paragraph (3) of subdivision (a) and subdivision (d) of
31 Section 12072 shall not apply to the transfer or loan of a firearm
32 that is not a handgun to a minor by his or her parent or legal
33 guardian.

34 (5) Paragraph (3) of subdivision (a) and subdivision (d) of
35 Section 12072 shall not apply to the transfer or loan of a firearm
36 that is not a handgun to a minor by his or her grandparent who is
37 not the legal guardian of the minor if the transfer is done with the
38 express permission of the parent or legal guardian of the minor.

1 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
2 Section 12072 shall not apply to the sale of a handgun if both of
3 the following requirements are satisfied:

4 (A) The sale is to a person who is at least 18 years of age.

5 (B) The firearm is an antique firearm as defined in paragraph
6 (16) of subsection (a) of Section 921 of Title 18 of the United
7 States Code.

8 (q) Subdivision (d) of Section 12072 shall not apply to the loan
9 of a firearm that is not a pistol, revolver, or other firearm capable
10 of being concealed upon the person to a licensed hunter for use by
11 that licensed hunter for a period of time not to exceed the duration
12 of the hunting season for which that firearm is to be used.

13 (r) The waiting period described in Section 12071, 12072, or
14 12084 shall not apply to the delivery, sale, or transfer of a firearm
15 to the holder of a special weapons permit issued by the Department
16 of Justice issued pursuant to Section 12095, 12230, 12250, or
17 12305. On the date that the application to purchase is completed,
18 the dealer delivering the firearm or the law enforcement agency
19 processing the transaction pursuant to Section 12084, shall
20 forward by prepaid mail to the Department of Justice a report of
21 the same as described in subdivision (b) or (c) of Section 12077 or
22 Section 12084. If the electronic or telephonic transfer of applicant
23 information is used, on the date that the application to purchase is
24 completed, the dealer delivering the firearm shall transmit to the
25 Department of Justice an electronic or telephonic report of the
26 same as is indicated in subdivision (b) or (c) of Section 12077.

27 (s) Subdivision (d) of Section 12072 and subdivision (b) of
28 Section 12801 shall not apply to the loan of an unloaded firearm
29 or the loan of a firearm loaded with blank cartridges, to a person
30 18 years of age or older, for use solely as a prop for a motion
31 picture, television, or video production or an entertainment or
32 theatrical event.

33 (t) (1) The waiting period described in Sections 12071, 12072,
34 and 12084 shall not apply to the sale, delivery, loan, or transfer of
35 a firearm that is a curio or relic, as defined in Section 178.11 of
36 Title 27 of the Code of Federal Regulations, by a dealer or through
37 a law enforcement agency to a person who is licensed as a collector
38 pursuant to Chapter 44 (commencing with Section 921) of Title 18
39 of the United States Code and the regulations issued pursuant
40 thereto who has a current certificate of eligibility issued to him or

1 her by the Department of Justice pursuant to Section 12071. On the
2 date that the delivery, sale, or transfer is made, the dealer
3 delivering the firearm or the law enforcement agency processing
4 the transaction pursuant to Section 12084, shall forward by
5 prepaid mail to the Department of Justice a report of the
6 transaction pursuant to subdivision (b) of Section 12077 or Section
7 12084. If the electronic or telephonic transfer of applicant
8 information is used, on the date that the application to purchase is
9 completed, the dealer delivering the firearm shall transmit to the
10 Department of Justice an electronic or telephonic report of the
11 transaction as is indicated in subdivision (b) or (c) of Section
12 12077.

13 (2) Subdivision (d) of Section 12072 shall not apply to the
14 infrequent sale, loan, or transfer of a firearm that is not a pistol,
15 revolver, or other firearm capable of being concealed upon the
16 person, which is a curio or relic manufactured at least 50 years
17 prior to the current date, but not including replicas thereof, as
18 defined in Section 178.11 of Title 27 of the Code of Federal
19 Regulations.

20 (u) As used in this section:

21 (1) “Infrequent” has the same meaning as in paragraph (1) of
22 subdivision (c) of Section 12070.

23 (2) “A person taking title or possession of firearms by
24 operation of law” includes, but is not limited to, any of the
25 following instances wherein an individual receives title to, or
26 possession of, firearms:

27 (A) The executor or administrator of an estate if the estate
28 includes firearms.

29 (B) A secured creditor or an agent or employee thereof when
30 the firearms are possessed as collateral for, or as a result of, a
31 default under a security agreement under the Commercial Code.

32 (C) A levying officer, as defined in Section 481.140, 511.060,
33 or 680.260 of the Code of Civil Procedure.

34 (D) A receiver performing his or her functions as a receiver if
35 the receivership estate includes firearms.

36 (E) A trustee in bankruptcy performing his or her duties if the
37 bankruptcy estate includes firearms.

38 (F) An assignee for the benefit of creditors performing his or
39 her functions as an assignee, if the assignment includes firearms.



1 (G) A transmutation of property consisting of firearms
2 pursuant to Section 850 of the Family Code.

3 (H) Firearms passing to a surviving spouse pursuant to Chapter
4 1 (commencing with Section 13500) of Part 2 of Division 8 of the
5 Probate Code.

6 (I) Firearms received by the family of a police officer or deputy
7 sheriff from a local agency pursuant to Section 50081 of the
8 Government Code.

9 (J) The transfer of a firearm by a law enforcement agency to the
10 person who found the firearm where the delivery is to the person
11 as the finder of the firearm pursuant to Article 1 (commencing with
12 Section 2080) of Chapter 4 of Division 3 of the Civil Code.

13 SEC. 5. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

